

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND**

MICHAEL L. STANLEY :
Petitioner :
v. : Civil Action No. RWT-05-1897
UNITED STATES PAROLE COMMISSION :
and
STEPHEN DEWALT, FCI Cumberland :
Warden :
Respondents :
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MEMORANDUM OPINION

Pending is a petition for writ of habeas corpus¹ and writ of mandamus filed by Petitioner, pro se, an inmate at the Federal Correctional Institution in Cumberland, Maryland, in which he contends his effective parole date is incorrect. Petitioner has also filed a Motion to Proceed In Forma Pauperis which will be granted. The petition will be dismissed without prejudice.

Petitioner complains that the Parole Commission improperly failed to credit him with two months and ten days of prison time served when calculating his current September 13, 2005 effective parole date. Plaintiff contends that his correct effective parole date is in July of 2005.

Before a prisoner can bring a habeas petition under 28 U.S.C. § 2241, administrative remedies must be exhausted. See Moscato v. Federal Bureau of Prisons, 98 F.3d 757 (3d Cir. 1996). Petitioner concedes he has yet to exhaust his available administrative remedies. Paper No. 1 at 7. He argues that he has filed for administrative review, the Parole Commission has yet to consider his request, and the administrative review process is inadequate given the time considerations at issue.

¹Since it clearly addresses the duration of custody, the petition is properly construed as filed pursuant to 28 U.S.C. §2241.

See id. Petitioner, however, provides neither documentation nor specific details to show the nature of the administrative remedy commenced nor the date such action was initiated. Accordingly, the Court will dismiss the petition without prejudice.² A separate Order follows.

July 19, 2005
Date

/s/
Roger W. Titus
United States District Judge

²To the extent Petitioner seeks to file a separate petition for writ of mandamus under 28 U.S.C. § 1361, it too will be dismissed without prejudice.